

1 Marc D. Blackman, OSB # 730338  
2 marc@ransomblackman.com  
3 Ransom Blackman LLP  
4 1001 SW 5th Ave Ste 1400  
5 Portland OR 97204  
6 503 228-0487

7 Katherine C. Chamberlain, OSB# 042580  
8 KatherineC@mhb.com  
9 MacDonald Hoague & Bayless  
10 705 Second Avenue, Suite 1500  
11 Seattle, Washington 98104-1745  
12 206-622-1604

FILED 13 JAN '12 11:32 USDC-ORP

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF OREGON  
12 PORTLAND DIVISION

14 PRISON LEGAL NEWS, a project of the  
15 HUMAN RIGHTS DEFENSE CENTER,

16 Plaintiff,

17 v.

18 COLUMBIA COUNTY; COLUMBIA  
19 COUNTY SHERIFF'S OFFICE; JEFF  
20 DICKERSON, individually and in his capacity  
21 as Columbia County Sheriff,

22 Defendants.

No. **CV '12 - 0071 - SI**

COMPLAINT

DEMAND FOR JURY TRIAL

22 **I. NATURE OF THE CASE**

23 1.1 Plaintiff Prison Legal News, a project of the Human Rights Defense Center,  
24 brings this action to enjoin Defendants' censorship of Prison Legal News' monthly publication,  
25 and correspondence mailed to prisoners who are held in custody at the Columbia County Jail, in  
26 violation of the First Amendment and the Fourteenth Amendment's Due Process Clause.  
27 Defendants have adopted and implemented written mail policies and practices that

1 unconstitutionally restrict correspondence to and from prisoners to postcards only, and that  
 2 prohibit delivery of book catalogs and magazines to prisoners. Further, Defendants' policies and  
 3 practices do not afford due process notice and an opportunity to challenge the censorship as  
 4 required by the Constitution.

## 5 **II. JURISDICTION AND VENUE**

6 2.1 This action arises under the First and Fourteenth Amendments to the United  
 7 States Constitution. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343,  
 8 2201, and 2202.

9 2.2 Venue is proper in the District of Oregon under 28 U.S.C. § 1391(b)(2) because a  
 10 substantial part of the events complained of occurred in this District, and because the Defendants  
 11 reside in this District.

## 12 **III. PARTIES**

13 3.1 Plaintiff Prison Legal News (PLN) is a project of the Human Rights Defense  
 14 Center (HRDC), a Washington Non-Profit Corporation. The core of HRDC's mission is public  
 15 education, prisoner education, advocacy, and outreach in support of the rights of prisoners and in  
 16 furtherance of basic human rights. PLN publishes and distributes a monthly journal of  
 17 corrections news and analysis and certain books about the criminal justice system and legal  
 18 issues affecting prisoners, to prisoners, lawyers, courts, libraries, and the public throughout the  
 19 Country. PLN also maintains a website ([www.prisonlegalnews.org](http://www.prisonlegalnews.org)) and operates an email list.  
 20 Prisoners of all types, family and friends of prisoners, and prisoner advocates, are among the  
 21 intended beneficiaries of PLN's activities.

22 3.2 Defendant Columbia County is a municipal corporation formed under the laws of  
 23 the State of Oregon.

24 3.3 Defendant Columbia County Sheriff's Office is a department of Columbia County  
 25 and operates the Columbia County Jail located in St. Helens, Oregon. The Columbia County Jail  
 26 facility houses convicted prisoners and pretrial detainees.  
 27

1           3.4     Defendant Jeff Dickerson is the Sheriff of Columbia County. Sheriff Dickerson is  
 2 employed by and is an agent of Columbia County and the Sheriff's Office. He is responsible for  
 3 the operations of the Columbia County Jail, and the training and supervision of the Jail staff who  
 4 interpret and implement the Jail's mail policy for prisoners. He is the policymaker for the Jail  
 5 policy governing mail for prisoners.

6           3.5     Each of the acts and omissions of persons alleged herein were taken under color  
 7 of state law and within the scope of their official duties as employees and officers of Columbia  
 8 County and the Columbia County Sheriff's Office.

#### 9                               IV.     FACTUAL ALLEGATIONS

10          4.1     Prison Legal News publishes and distributes a soft-cover monthly journal, and  
 11 publishes and distributes paperback books, about the criminal justice system and legal issues  
 12 affecting prisoners.

13          4.2     Prison Legal News has approximately 7,000 subscribers in the United States and  
 14 abroad, including prisoners, attorneys, journalists, public libraries, judges, and other members of  
 15 the public. PLN distributes its publication to prisoners and law librarians in approximately 2,200  
 16 correctional facilities across the United States, including the Federal Bureau of Prisons and the  
 17 Oregon Department of Corrections.

18          4.3     Prison Legal News engages in core protected speech and expressive conduct on  
 19 matters of public concern, such as operations of prison facilities, prison conditions, prisoner  
 20 health and safety, and prisoners' rights.

#### 21       A.     CENSORSHIP AND LACK OF DUE PROCESS

22          4.4     Defendants have rejected PLN's monthly publications, book catalogs, book  
 23 offers, informational brochures, subscription forms, subscription renewal letters, fundraising  
 24 letters, and online articles mailed to prisoners held in custody at the Columbia County Jail. The  
 25 mail items rejected by Defendants include, but are not limited to, the items identified below.  
 26  
 27

**Monthly Publications**

4.5 Prison Legal News sent its monthly journal to certain prisoners at the Columbia County Jail by U.S. Mail.

4.6 PLN's monthly journal is a 56-page publication titled *Prison Legal News: Dedicated to Protecting Human Rights* and contains various articles on corrections news and analysis, about prisoner rights, court rulings, management of prison facilities and prison conditions.

4.7 On or about December 8, 2010 PLN mailed a December 2010 *Prison Legal News* publication addressed to prisoner Rusty Campo at the Columbia County Jail. Rusty Campo was a prisoner at the Columbia County Jail at the time that the Jail received the December 2010 *Prison Legal News* publication from PLN.

4.8 On or about January 13, 2011, PLN mailed a January 2011 *Prison Legal News* publication addressed to prisoner Rusty Campo at the Columbia County Jail. Rusty Campo was a prisoner at the Columbia County Jail at the time that the Jail received the January 2011 *Prison Legal News* publication from PLN.

4.9 On or about January 31, 2011, PLN mailed its September 2008 *Prison Legal News* publication addressed to each of the following prisoners at the Columbia County Jail:

Prisoner Name

Daniel Butts

Cory Dell

Jacob Francoeur

William Hess

The individuals identified above were prisoners at the Columbia County Jail at the time that the Jail received the September 2008 *Prison Legal News* publications from PLN.

4.10 On or about January 31, 2011, PLN mailed its November 2009 *Prison Legal News* publication addressed to prisoner Nicholas Bierman at the Columbia County Jail. Nicholas Bierman was a prisoner at the Columbia County Jail at the time that the Jail received the November 2009 *Prison Legal News* publication from PLN.

1           4.11   On or about January 31, 2011, PLN mailed its January 2010 *Prison Legal News*  
 2 publication addressed to prisoner Andrew Plumber at the Columbia County Jail. Andrew  
 3 Plumber was a prisoner at the Columbia County Jail at the time that the Jail received the January  
 4 2010 *Prison Legal News* publication from PLN.

5           4.12   On or about February 1, 2011, PLN mailed its July 2009 *Prison Legal News*  
 6 publication addressed to each of the following prisoners at the Columbia County Jail:

7                   Prisoner Name  
 8                   Ezra St. Helen  
 9                   Scott Thomas

10          The individuals identified above were prisoners at the Columbia County Jail at the time that the  
 11 Jail received the July 2009 *Prison Legal News* publications from PLN.

12          4.13   On or about February 1, 2011, PLN mailed its November 2009 *Prison Legal*  
 13 *News* publication addressed to each of the following prisoners at the Columbia County Jail:

14                   Prisoner Name  
 15                   Robert Beckwith  
 16                   Scott Lavelle  
 17                   Lloyd Myers  
 18                   Alisha Vandolah  
 19                   Jeffrey Vannatta

20          The individuals identified above were prisoners at the Columbia County Jail at the time that the  
 21 Jail received the November 2009 *Prison Legal News* publications from PLN.

22          4.14   On or about February 3, 2011, PLN mailed its January 2010 *Prison Legal News*  
 23 publication addressed to prisoner Kanaan Meyers at the Columbia County Jail. Prisoner Meyers  
 24 was a prisoner at the Columbia County Jail at the time that the Jail received the January 2010  
 25 *Prison Legal News* publication from PLN.

26          4.15   On or about February 3, 2011, PLN mailed its July 2009 *Prison Legal News*  
 27 publication addressed to each of the following prisoners at the Columbia County Jail:

Prisoner Name  
                   Troy McCarter  
                   Shane McNutt  
                   Robert Meader  
                   Jason Quade

1 The individuals identified above were prisoners at the Columbia County Jail at the time that the  
2 Jail received the July 2009 *Prison Legal News* publications from PLN.

3 4.16 On or about February 3, 2011, PLN mailed its September 2008 *Prison Legal*  
4 *News* publication addressed to each of the following prisoners at the Columbia County Jail:

5 Prisoner Name  
6 Nicholas Jones  
Martin Kay

7 The individuals identified above were prisoners at the Columbia County Jail at the time that the  
8 Jail received the September 2008 *Prison Legal News* publications from PLN.

9 4.17 On or about February 10, 2011, PLN mailed its February 2011 *Prison Legal News*  
10 publication addressed to each of the following prisoners at the Columbia County Jail:

11 Prisoner Name  
12 Troy McCarter  
Ezra St. Helen

13 The individuals identified above were prisoners at the Columbia County Jail at the time that the  
14 Jail received the February 2011 *Prison Legal News* publications from PLN.

15 4.18 On or about March 10, 2011, PLN mailed its March 2011 *Prison Legal News*  
16 publication addressed to prisoner Ezra St. Helen at the Columbia County Jail. Ezra St. Helen  
17 was a prisoner at the Columbia County Jail at the time that the Jail received the March 2011  
18 *Prison Legal News* publication from PLN.

19 4.19 On or about April 11, 2011, PLN mailed its April 2011 *Prison Legal News*  
20 publication addressed to prisoner Troy McCarter at the Columbia County Jail. Troy McCarter  
21 was a prisoner at the Columbia County Jail at the time that the Jail received the April 2011  
22 *Prison Legal News* publication from PLN.

23 4.20 On or about May 18, 2011, PLN mailed its May 2011 *Prison Legal News*  
24 publication addressed to prisoner Ezra St. Helen at the Columbia County Jail. Ezra St. Helen  
25 was a prisoner at the Columbia County Jail at the time that the Jail received the May 2011 *Prison*  
26 *Legal News* publication from PLN.  
27



1           4.21   On or about June 9, 2011, PLN mailed its June 2011 *Prison Legal News*  
2 publication addressed to each of the following prisoners at the Columbia County Jail:

3                   Prisoner Name  
4                   Ezra St. Helen  
                    Martin Kay

5   The individuals identified above were prisoners at the Columbia County Jail at the time that the  
6 Jail received the June 2011 *Prison Legal News* publications from PLN.

7           4.22   On or about June 30, 2011, PLN mailed its May 2008 *Prison Legal News*  
8 publication addressed to each of the following prisoners at the Columbia County Jail:

9                   Prisoner Name  
10                  George Lammi  
11                  Jeffrey Murray  
                    Cindy Seaston

12   The individuals identified above were prisoners at the Columbia County Jail at the time that the  
13 Jail received the May 2008 *Prison Legal News* publications from PLN.

14           4.23   On or about July 20, 2011, PLN mailed its May 2009 *Prison Legal News*  
15 publication addressed to each of the following prisoners at the Columbia County Jail:

16                  Prisoner Name  
17                  Mark Gift  
18                  Ralph Patterson  
                    Barry Shaft  
                    William Temple  
                    Robert Westmoreland

19   The individuals identified above were prisoners at the Columbia County Jail at the time that the  
20 Jail received the May 2009 *Prison Legal News* publications from PLN.

21           4.24   Defendants rejected each publication identified in paragraphs 4.7-4.23, and did  
22 not deliver the publications to the prisoner-addressees.

23           4.25   Defendants rejected many but not all of the journals that Prison Legal News sent  
24 to prisoners. Defendants returned a number of the rejected journals, but it is unknown whether  
25 they returned them all. For the journals that Defendants returned to Prison Legal News,  
26 Defendants: (a) placed a sticker on the mail stating: "As of April 1, 2010 The Columbia County  
27 Jail ONLY ACCEPTS POSTCARDS, This applies to ALL incoming and out going mail"; (b)

1 stamped the mail "INSPECTED BY COLUMBIA COUNTY JAIL" and handwrote checkmarks  
 2 next to "RETURN TO SENDER" and "REFUSE/VIOLATES SECURITY"; or (c) merely  
 3 stamped the mail "RETURN TO SENDER."

4 4.26 Defendants did not provide PLN due process notice or an opportunity to appeal  
 5 the censorship decisions.

6 4.27 Defendants did not provide the prisoner-addressees due process notice or an  
 7 opportunity to appeal the censorship decisions.

8 4.28 In addition to those identified above, PLN mailed other *Prison Legal News*  
 9 journals addressed to prisoners at the Columbia County Jail between January 2011-January 2012.

10 4.29 On information and belief, Defendants rejected additional *Prison Legal News*  
 11 journals that PLN sent to prisoners, other than those identified above, and Defendants failed to  
 12 give PLN and the prisoners due process notice and an opportunity to be heard, and Defendants  
 13 continue to do so.

14 4.30 PLN intends to continue sending its monthly journal to prisoners at the Columbia  
 15 County Jail in the future.

#### 16 **Informational Brochures, Subscription Order Forms, Book Catalogs**

17 4.31 Prison Legal News sent informational brochures about PLN and subscription  
 18 order forms, book catalogs, and book offers to prisoners at the Columbia County Jail in a white  
 19 standard # 10 envelopes via first-class mail.

20 4.32 **Prison Legal News Brochure and Subscription Order Form:** Prison Legal  
 21 News sent certain prisoners at the Columbia County Jail an informational brochure about its  
 22 organization and publications. The double-sided single-page brochure includes: a description of  
 23 the topics covered in PLN's monthly journal, subscription rates, special subscription offers, and  
 24 an order form; a description of three books available for purchase or included with a subscription  
 25 to *Prison Legal News—Protecting your Health & Safety, With Liberty for Some: 500 Years of*  
 26 *Imprisonment in America*, and *Prison Profiteers: Who Makes Money from Mass Incarceration*;  
 27 and other information about PLN's bookstore.



1           4.33   **Book Catalog:** Prison Legal News sent certain prisoners at the Columbia County  
 2 Jail its 2010 PLN Book List. The double-sided single-page book list includes a description of 43  
 3 books, dictionaries, and resource materials available for purchase. The books available for  
 4 purchase include information about a variety of topics, including but not limited to: the basic  
 5 rights of prisoners regarding health and safety; the American criminal justice system; self-  
 6 representation in court; finding the right lawyer; DNA testing; issues related to imprisoned  
 7 women; developing a successful re-entry plan upon release from prison; searching for a job;  
 8 crime and poverty; and the mental health crisis in U.S. prisons and jails.

9           4.34   **Book Offers:** Prison Legal News sent certain prisoners at the Columbia County  
 10 Jail a double-sided single-page informational brochure about two books for sale: *The Habeas*  
 11 *Citebook: Ineffective Assistance of Counsel*, a handbook containing case citations, pleadings, and  
 12 forms designed to help a prisoner seek habeas corpus relief; and *Prisoners' Guerrilla Handbook*  
 13 *to Correspondence Programs in the United States and Canada*, a handbook on high school,  
 14 vocational, paralegal, undergraduate, and graduate courses available through correspondence  
 15 study.

16           4.35   Collectively, the PLN Brochure, Book List, and Book Offer described above in  
 17 paragraphs 4.31-4.34 are referred to as "Informational Brochure Packs" below.

18           4.36   Prison Legal News mailed Informational Brochure Packs addressed to each of the  
 19 following prisoners at the Columbia County Jail:

<u>Prisoner Name</u>	<u>Date Mailed to Prisoner</u>
Robert Beckwith	January 31, 2011
Daniel Butts	February 3, 2011
Cory Dell	February 3, 2011
Jacob Francoeur	February 3, 2011
Mark Gift	July 20, 2011
Nicholas Jones	February 3, 2011
Martin Kay	February 1, 2011
George Lammi	June 30, 2011
Scott Lavelle	January 31, 2011
Troy McCarter	February 1, 2011
Shane McNutt	January 31, 2011
Robert Meader	February 3, 2011
Kanaan Meyers	January 31, 2011 and February 4, 2011
Jeffrey Murray	June 30, 2011

Lloyd Myers	January 31, 2011
Ralph Patterson	July 20, 2011
Andrew Plumber	January 31, 2011
Jason Quade	February 1, 2011
Cindy Seaston	June 30, 2011
Barry Shaft	July 20, 2011
Ezra St. Helen	February 1, 2011
William Temple	July 20, 2011
Scott Thomas	February 1, 2011
Alisha Vandolah	February 1, 2011
Jeffrey Vannatta	February 3, 2011
Robert Westmoreland	July 20, 2011

4.37 The prisoners identified above in paragraph 4.36 were prisoners at the Columbia County Jail at the time that the Jail received the Informational Brochure Packs addressed to each prisoner from PLN.

4.38 Defendants rejected each Informational Brochure Pack sent by PLN and did not deliver them to the prisoner-addressees.

4.39 For the Informational Brochure Packs that Defendants returned to Prison Legal News, Defendants: (a) placed a sticker on the mail stating: "As of April 1, 2010 The Columbia County Jail ONLY ACCEPTS POSTCARDS, This applies to ALL incoming and out going mail"; (b) stamped the mail "INSPECTED BY COLUMBIA COUNTY JAIL" and handwrote checkmarks next to "RETURN TO SENDER" and "REFUSE/VIOLATES SECURITY"; or (c) merely stamped the mail "RETURN TO SENDER."

4.40 Defendants did not provide PLN due process notice or an opportunity to appeal the censorship decisions.

4.41 Defendants did not provide the prisoner-addressees due process notice or an opportunity to appeal the censorship decisions.

4.42 In addition to those identified above, PLN mailed Informational Brochure Packs addressed to other prisoners at the Columbia County Jail in 2011.

4.43 On information and belief, Defendants rejected additional Informational Brochure Packs that PLN sent to prisoners, other than those identified above, and Defendants failed to give due process notice and an opportunity to be heard to PLN and the prisoner-addressees.

4.44 Prison Legal News intends to continue sending Informational Brochure Packs to prisoners at the Columbia County Jail in the future.

## Renewal Letters

4.45 Prison Legal News sent subscription renewal letters along with Informational Brochure Packs (“Subscription Renewal Packs”) to certain prisoners at the Columbia County Jail in white standard # 10 envelopes via first-class mail.

4.46 Each personalized subscription renewal letter mailed to a prisoner at the Columbia County Jail included information for the prisoner-addressee that his individual subscription was nearing its end.

4.47 In May and June 2011, Prison Legal News mailed Subscription Renewal Packs addressed to each of the following prisoners at the Columbia County Jail:

<u>Prisoner Name</u>	<u>Date Sent</u>
William Hess	6/16/11
Martin Kay	6/16/11
Troy McCarter	6/16/11
Shane McNutt	6/16/11
Andrew Plumber	6/16/11
Jason Quade	5/21/11
Ezra St. Helen	6/16/11
Alisha Vandolah	6/16/11

The prisoners identified above were prisoners at the Columbia County Jail at the time that the Jail received the Subscription Renewal Packs addressed to each prisoner from PLN.

4.48 Defendants rejected each Subscription Renewal Pack sent by PLN and did not deliver them to the prisoner-addressees.

4.49 For the Subscription Renewal Packs that Defendants returned to Prison Legal News, Defendants: (a) placed a sticker on the mail stating: “As of April 1, 2010 The Columbia County Jail ONLY ACCEPTS POSTCARDS, This applies to ALL incoming and out going mail”; or (b) merely stamped the mail “RETURN TO SENDER.”

4.50 Defendants did not provide Prison Legal News due process notice or an opportunity to appeal the censorship decisions.

1           4.51 Defendants did not provide the prisoner-addressees due process notice or an  
2 opportunity to appeal the censorship decisions.

3           4.52 In addition to those identified above, PLN mailed Subscription Renewal Packs  
4 addressed to other prisoners at the Columbia County Jail in 2011.

5           4.53 On information and belief, Defendants rejected additional Subscription Renewal  
6 Packs that PLN sent to other prisoners, other than those identified above, and Defendants failed  
7 to give due process notice and an opportunity to be heard to PLN and the prisoner-addressees.

8           4.54 Prison Legal News intends to continue sending Subscription Renewal Packs to  
9 prisoners at the Columbia County Jail in the future.

10                           **Fundraising Letters and Brochures**

11           4.55 Prison Legal News sent fundraising letters along with Informational Brochure  
12 Packs ("Fundraising Pack") to certain prisoners at the Columbia County Jail in white standard #  
13 10 envelopes via standard rate nonprofit mail.

14           4.56 Each fundraising letter mailed to a prisoner at the Columbia County Jail included  
15 information for the prisoner-addressee about PLN's history, PLN's efforts to protect civil rights  
16 across the country, and its journal and books available for purchase.

17           4.57 In approximately November 2011, Prison Legal News mailed Fundraising Packs  
18 addressed to prisoners William Temple and Barry Shaft at the Columbia County Jail. Mr.  
19 Temple and Mr. Shaft were prisoners at the Columbia County Jail at the time that the Jail  
20 received the Fundraising Packs addressed to each of them from PLN.

21           4.58 Defendants rejected each Fundraising Pack sent by PLN and did not deliver them  
22 to the prisoner-addressees.

23           4.59 For the Fundraising Packs that Defendants returned to Prison Legal News,  
24 Defendants merely stamped them "RETURN TO SENDER" without stating a reason for  
25 censorship.

26           4.60 Defendants did not provide Prison Legal News due process notice or an  
27 opportunity to appeal the censorship decisions.



Cindy Seastone	12/15/11
Barry Shaft	12/15/11
William Temple	12/15/11
Timothy Turner	12/20/11
Alisha Vandolah	12/15/11

The prisoners identified above were prisoners at the Columbia County Jail at the time that the Jail received the PLN articles addressed to each of them from Ms. Lennox.

4.68 Defendants rejected at least twelve PLN articles sent by Ms. Lennox and did not deliver them to the prisoners to which they were addressed by name.

4.69 For the PLN articles that Defendants returned to Ms. Lennox, Defendants: (a) placed a sticker on the mail stating: "As of April 1, 2010 The Columbia County Jail ONLY ACCEPTS POSTCARDS, This applies to ALL incoming and out going mail"; (b) stamped the mail "INSPECTED BY COLUMBIA COUNTY JAIL" and handwrote checkmarks next to "RETURN TO SENDER" and "REFUSE/VIOLATES SECURITY"; (c) stamped the mail "INSPECTED BY COLUMBIA COUNTY JAIL" and handwrote checkmarks next to "RETURN TO SENDER" and "CONTRABAND"; or (d) stamped the mail "INSPECTED BY COLUMBIA COUNTY JAIL" and handwrote "no envelope mail".

4.70 Defendants did not provide Ms. Lennox due process notice or an opportunity to appeal the censorship decisions.

4.71 Defendants did not provide the prisoner-addressees due process notice or an opportunity to appeal the censorship decisions.

## **B. JAIL POLICIES**

4.72 On April 1, 2010, the Columbia County Jail implemented a new policy governing mail to prisoners. A true copy of the policy is attached to this Complaint as Exhibit A.

4.73 **Ban on Speech that is Not a Postcard:** Effective April 1, 2010, Defendants instituted a policy that requires all incoming and outgoing mail to prisoners to be in postcard form (hereinafter "Postcard-Only Mail Policy").

4.73.1 The Jail's Postcard-Only Mail Policy states, in pertinent part:

Incoming Mail will be only accepted in the form of commercially-produced postcards or a photograph used as a postcard.



1 See Exhibit A.

2 4.73.2 In addition, Defendants sometimes place a sticker on returned mail,  
3 which states: "As of April 1, 2010 The Columbia County Jail ONLY ACCEPTS POSTCARDS,  
4 This applies to ALL incoming and out going mail."

5 4.73.3 Defendants have used their Postcard-Only Mail Policy to censor  
6 Plaintiff's *Prison Legal News* journal, Informational Brochure Packs, Renewal Brochure Packs,  
7 Fundraising Packs, online articles, and other correspondence.

8 4.73.4 Defendants have used their Postcard-Only Mail Policy to censor  
9 correspondence from other publishers, companies, organizations, prisoners and individuals. For  
10 example, Defendants rejected numerous PLN articles that Lucy Lennox printed from the PLN  
11 website and mailed to certain prisoners at the Columbia County Jail. The Jail's stated  
12 justification for rejection was that "the Columbia County Jail ONLY ACCEPTS POSTCARDS"  
13 or "no envelope mail" as the reason for rejection.

14 4.73.5 Defendants' Postcard-Only Mail Policy is unconstitutionally overbroad.

15 4.73.6 Defendants' Postcard-Only Mail Policy and their practice of enforcing  
16 this policy unconstitutionally burdens Plaintiff's First Amendment rights, the First Amendment  
17 rights of other correspondents who send mail to prisoners confined at the Columbia County Jail,  
18 the First Amendment rights of the intended recipients of outgoing mail from prisoners confined  
19 at the Columbia County Jail, and the First Amendment rights of prisoners at the Columbia  
20 County Jail.

21 4.74 **Ban on Speech that is a Magazine:** Defendants' Mail Policy bans all magazines  
22 (hereinafter "No-Magazines Mail Policy"). The Jail's No-Magazines Mail Policy states, in  
23 pertinent part:

24 **Publications:** "We do not accept magazines." . . .

25 **Magazines:** "Are not allowed inside the facility."

26 See Exhibit A.

1           4.74.1 On information and belief, Defendants have used their No-Magazines  
2 Mail Policy to censor Plaintiff's *Prison Legal News* journal and other correspondence.

3           4.74.2 On information and belief, Defendants have used their No-Magazines  
4 Mail Policy to censor magazines, journals, publications and other correspondence from other  
5 publishers, book distributors, companies, organizations, and individuals.

6           4.74.3 Defendants' No-Magazines Mail Policy is unconstitutionally overbroad.

7           4.74.4 Defendants' No-Magazines Mail Policy and its practice of enforcing this  
8 policy unconstitutionally burdens Plaintiff's First Amendment rights, the First Amendment rights  
9 of other correspondents who send mail to prisoners confined at the Columbia County Jail, and  
10 the First Amendment rights of prisoners at the Columbia County Jail.

11       4.75 **Lack of Procedural Due Process Protections:** Defendants' mail policies do not  
12 require them to provide due process notice or an opportunity for the mail sender, intended  
13 recipient, or prisoner to appeal the Jail's censorship decisions; and Defendants' practice likewise  
14 does not provide due process notice or an opportunity for the mail sender, intended recipient, or  
15 prisoner to appeal the Jail's censorship decisions. Defendants' policies and practices violate the  
16 Due Process Clause of the Fourteenth Amendment.

17       4.76 Defendants' policies and conduct prohibiting delivery of Prison Legal News'  
18 monthly journal, informational brochures, subscription forms, book catalogs, book offers,  
19 renewal letters, fundraising letters, online articles, and other publications and correspondence to  
20 prisoners confined at the Columbia County Jail, violate the First Amendment. Similarly,  
21 Defendants' policies and conduct prohibiting delivery of incoming mail from correspondents  
22 other than PLN, and prohibiting delivery of outgoing mail from prisoners to PLN or other  
23 intended recipients, violate the First Amendment.

24       4.77 Defendants' policies and their censorship of the expressive activities set forth  
25 above have a chilling effect on future speech.

26       4.78 Defendants' policies and practices described above frustrate Prison Legal News's  
27 organizational mission and have caused Prison Legal News to divert its resources.

1           4.79 Defendants' policies and actions have violated, continue to violate, and are  
 2 reasonably expected to violate in the future Plaintiff's constitutional rights to communicate its  
 3 political message to prisoners, to recruit new supporters, readers and subscribers, and have  
 4 caused Plaintiff additional financial harm in the form of diversion of its resources, lost  
 5 subscriptions, and lost publication and book purchases.

6           4.80 Defendant Dickerson and other agents of Columbia County are responsible for or  
 7 personally participated in creating and implementing these unconstitutional policies, practices,  
 8 and customs, and for training and supervising the mail staff members whose conduct also have  
 9 injured and continue to injure Plaintiff and others, or ratified or adopted the policies or actions  
 10 described herein.

## 11                                   V.       CLAIM ALLEGATIONS

### 12   COUNT 1

#### 13                                   FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

14           5.1 Plaintiff realleges and incorporates by reference the preceding paragraphs.

15           5.2 The acts described above constitute violations of Plaintiff's rights, the rights of  
 16 other correspondents who have attempted to or intend to correspond with prisoners at the  
 17 Columbia County Jail, and the rights of prisoners confined at the Columbia County Jail, under  
 18 the First Amendment to the United States Constitution through 42 U.S.C. § 1983.

19           5.3 The acts described above have caused damages to Plaintiff, and will continue to  
 20 cause damage.

21           5.4 Plaintiff seeks declaratory and injunctive relief and nominal and compensatory  
 22 damages against all Defendants. Plaintiff seeks punitive damages solely against Defendant  
 23 Dickerson in his individual capacity.

### 24   COUNT 2

#### 25                                   DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT 26   TO THE UNITED STATES CONSTITUTION

27           5.5 Plaintiff realleges and incorporates by reference the preceding paragraphs.

1           5.6     The acts described above constitute violations of Plaintiff's rights, the rights of  
 2 other correspondents who have attempted to or intend to correspond with prisoners at the  
 3 Columbia County Jail, and the rights of prisoners confined at the Columbia County Jail, under  
 4 the Fourteenth Amendment to the United States Constitution through 42 U.S.C. § 1983.

5           5.7     The acts described above have caused damages to Plaintiff, and will continue to  
 6 cause damage.

7           5.8     Plaintiff seeks declaratory and injunctive relief and nominal and compensatory  
 8 damages against all Defendants. Plaintiff seeks punitive damages solely against Defendant  
 9 Dickerson in his individual capacity.

## 10                               **VI.     INJUNCTION ALLEGATIONS**

11           6.1     Defendants' unconstitutional policy, practices, and customs are ongoing and  
 12 continue to violate Plaintiff's constitutional rights and the rights of other correspondents and  
 13 prisoners, and as such there is no adequate remedy at law.

14           6.2     Plaintiff is entitled to injunctive relief prohibiting Defendants from: refusing to  
 15 deliver or allow delivery of publications, books, informational brochures and subscription forms,  
 16 book catalogs, book offers, renewal letters, fundraising letters, online articles, and other  
 17 correspondence from Prison Legal News or other correspondents; censoring or rejecting mail on  
 18 the ground that it is not in the form of a postcard; censoring or rejecting a catalog on the ground  
 19 that it is a catalog or not a postcard; censoring or rejecting mail on the ground that it is a  
 20 magazine; and prohibiting Defendants from censoring mail without due process of law.

## 21                               **VII.    REQUEST FOR RELIEF**

22           WHEREFORE, the Plaintiff requests relief as follows:

23           7.1     A preliminary injunction and a permanent injunction preventing Defendants from  
 24 continuing to violate the Constitution, and providing other equitable relief.

25           7.2     A declaration that Defendants' policies, practices, and customs violate the  
 26 Constitution.  
 27



**EXHIBIT A**  
**TO**  
**COMPLAINT**



## **Incoming Mail:**

**Incoming Mail will be only accepted in the form of commercially-produced postcards or a photograph used as a postcard.** The mail is delivered to the Sheriff's Office Monday through Saturday, excluding holidays.

### **Address**

Inmate's Name (Booking Number)  
Columbia County Jail  
901 Port Avenue  
St. Helens, Oregon 97051

## **Prohibited Mail**

**Effective April 1, 2010 the Columbia County Sheriff's Office is changing the procedures that apply to inmate mail.**

### **MAIL VIOLATIONS:**

(Will result in the post card(s) being returned to sender)

- \* No Inmate Name
- \* Incomplete Return Address
- \* Stickers of any kind (Includes address labels)
- \* Rubber Inked Stamps
- \* Tape
- \* Lipstick
- \* Colored Pencils
- \* Paperclips / Staples etc.
- \* Correction Tape / Fluid
- \* Crayon
- \* Paint
- \* Watercolor or colored markers
- \* Food / Beverage Stains
- \* Perfume / Cologne
- \* Any unidentifiable substance

**Inmate Mail**Last Updated Friday, 06 August 2010 16:48

---

The following mail will not be received or sent from the facility and will be returned to the sender.

1. Mail from one inmate to another at this facility requires a supervisor's approval.
2. Mail that threatens blackmail or extortion.
3. Mail that concerns sending contraband into or out of our jail.
4. Mail that concerns escape plans.
5. Mail that concerns plans for activities in violation of the jail rules.
6. Mail that concerns plans for criminal activity.
7. Mail that contains information which, if communicated, would create a danger of violence or physical harm to a person
8. Mail that is sensational. Sensationalism is writing or other printed material that poses a threat to the security, safety, or good order of the jail.
9. Mail that contains any contraband materials.
10. No personal packages will be accepted through the mail or by the Sheriff's Office Clerks.
11. Polaroid or other instant developing photographs.
12. Picture frames or picture folders.
13. Photographs larger than 5" x 7".
14. Postage stamps, blank writing paper, or blank envelopes.
15. Mail that contains gang-related writings, drawings, or symbols on the outside of the envelope or letter.
16. Mail that contains a foreign substance, bodily fluid, perfume or cologne.
17. Mail written in code or suspected code.
18. Sexually explicit materials.
19. Mail that encourages or instructs in a commission of a crime.
20. Mail falsely labeled "Official Mail."
21. Photographs that are not printed by a professional commercial source (photo labs or kiosks) will not be accepted. (home printer produced pictures on regular paper are not allowed.)
22. Stickers, tape, and return address labels.

**Legal Professional Mail Rules:**

Inmate legal mail and professional mail rules have not changed.

**Publications:**

We do not accept magazines. Books must be sent directly from the publisher or bookstore. An inmate may receive no more than three books per month.

**Mail Definitions and Frequently Asked Questions:**

**Incomplete return address:** Return address is missing either part of the address or first and last name of sender.

**No Inmate Name:** Inmate's first and last names are NOT on the post card.

**Dead Mailed:** There is no return address. In this case the postcard is returned to the Post Office.

**What happens to the postcard I send to an inmate when it arrives at the Facility?**

After the post card has been cleared through administration, it is reviewed for mail violations. If a violation is found, the Deputy will complete a Mail Violation Form and the mail will be placed in the inmate's property until their release, or it will be returned to the sender.

**Can I send a care package to an Inmate?**

Inmates housed in the Jail cannot receive care packages of any kind through the mail. Care packages

which are not mail in can be purchased through

[www.columbia.icaredirect.com](http://www.columbia.icaredirect.com)

. We only accept care packages by this method.

**Can Inmates have access to Books, Magazines, and Newspapers?**

The Columbia County Jail has certain legal publications as well as books for entertainment, and some faith-based materials. Books may be procured from outside the jail, however any such book, hardbound or otherwise, must be sent directly from the publisher or bookstore via the U.S. Mail. Newspapers may be subscribed to in the inmate's name for delivery to the jail.

**Magazines:** Are not allowed inside the facility.

**Religious Materials:** Inmates can request a Bible from the Law Library. Inmates can also attend a religious program and receive religious materials from the Columbia County Sheriff's Office Volunteer who facilitates that particular program.

**Inmate Mail**

Last Updated Friday, 06 August 2010 16:48

---